



City of El Paso – City Plan Commission Staff Report

Case No: PZCR15-00006 (Related to Rezoning Application PZDS15-00025)
Application Type Zoning Condition Release
CPC Hearing Date: February 11, 2016
Staff Planner: Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

Location: 310 Mesa Hills Drive
Legal Description: Portion of Lot 1, Block 2, Mesa Hills West, City of El Paso, El Paso County, Texas
Acreage: 2.110 acres
Rep District: 8
Current Zoning: C-1/sc (Commercial/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Condition imposed by Ordinance No. 7718, dated March 29, 1983 and Special Contract 82825, corrected in Special Contract 33164
Request: Release of all conditions imposed by Special Contract 82825, corrected in Special Contract 33164 dated September 25, 1985
Proposed Use: Medical Office

Property Owner: AHTX 1, LLC
Representative: SMS Architects

SURROUNDING ZONING AND LAND USE

North: A-2/sc (Apartments/special contract) / Apartments
South: C-1/sc (Commercial/special contract) / Apartments
East: C-1/sc (Commercial/special contract) / Vacant
West: C-1/sc (Commercial/special contract) / Convenience Store and Gas Station

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Northwest Planning Area)

NEAREST PARK: Galatzan Park (1,022 feet)

NEAREST SCHOOL: L.B. Johnson Elementary School (2,190 Feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Mesa Hills Neighborhood Association
Coronado Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 26, 2016. Planning has not received any communications in support or opposition to the rezoning request.

CASE HISTORY

Ordinance 7718, approved by City Council on March 29, 1983 rezoned the property to C-1 (Commercial) and imposed conditions through Special Contract 82825, corrected in Special Contract 33164. The special contract required a Detailed Site Plan to be approved by the City Plan Commission and City Council, as well as other conditions relevant to other parcels within the rezoning ordinance. A condition requiring notice of any changes to the contract to be mailed to the parent-teacher organization or association for

Lyndon B. Johnson Elementary School and Morehead Intermediate School, in care of their respective school principals was also included. Notices have been set in order to comply with this current requirement. (Attachment #6).

APPLICATION DESCRIPTION

The applicant is requesting to release all conditions imposed on the subject property by special contract, dated September 25, 1985, (see Attachment #5, pg. 8). The conditions imposed by the special contract are not applicable to this property, have been satisfied, or are being satisfied through this and a related application. This case is related to detailed site development plan application (PZDS15-00025).

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of releasing the special contract conditions, as the conditions are not applicable to this property, have been satisfied, or are being satisfied through this and a related application.

Plan El Paso-Future Land Use Map Designation

All applications for a condition release shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Community Commercial) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. It also permits locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning and Inspections Department - Land Development

No objections.

Planning and Inspections Department – Plan Review

No objections to proposed condition release.

Planning and Inspections Department - Landscaping

No objections to proposed condition release.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

EPWU Planning & Development Section does not object to this request.

Water:

1. There is an existing 8-inch diameter water main located along the east side of Suncrest Drive, approximately 21 feet west of and parallel to the eastern right-of-way line of Suncrest Drive. This water main is available for service.
2. There is an existing 12-inch diameter water main located along the northwest side of Mesa Hills Drive, approximately 30 feet southeast of and parallel to the northwestern right-of-way line of Mesa Hills Drive. This water main is available for service.
3. Previous water pressure readings from fire hydrant #6035 located approximately 5-ft southeast of Mesa Hills Drive has yielded a static pressure of 95 (psi), a residual pressure of 90 (psi), and a discharge of 1,872 gallons per minute.

4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

1. There is an existing 8-inch diameter sanitary sewer main located along the west side of Suncrest Drive, approximately 30 feet east of and parallel to the western right-of-way line of Suncrest Drive. This sanitary sewer main is available for service.
2. There is an existing 12-inch diameter sanitary sewer main located along the southeast side of Mesa Hills Drive, approximately 40 feet northwest of and parallel to the southeastern right-of-way line of Mesa Hills Drive. This sanitary sewer main is available for service.

Reclaim Water:

1. There is an existing 12-inch diameter reclaimed water main located along the southeast side of Mesa Hills Drive, approximately 23 feet northwest of and parallel to the southeastern right-of-way line of Mesa Hills Drive. This reclaimed water main is not available for service.

General:

1. There is an existing 20-foot EPWU-PSB drainage easement located along the west side of the subject property. No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above reference EPWU-PSB easements without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, buildings, signs, curbs or any structure that will interfere with the access to the EPWU-PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.

EPWU-PSB requires a new service application for service to the property. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

El Paso Water Utilities - Stormwater Division

The site plan shows the installation of a private storm sewer system connecting to a storm drain structure that runs through this property which empties into the Mesa Hills Channel in the back. EWPU does not object to this, but recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff.

Sun Metro

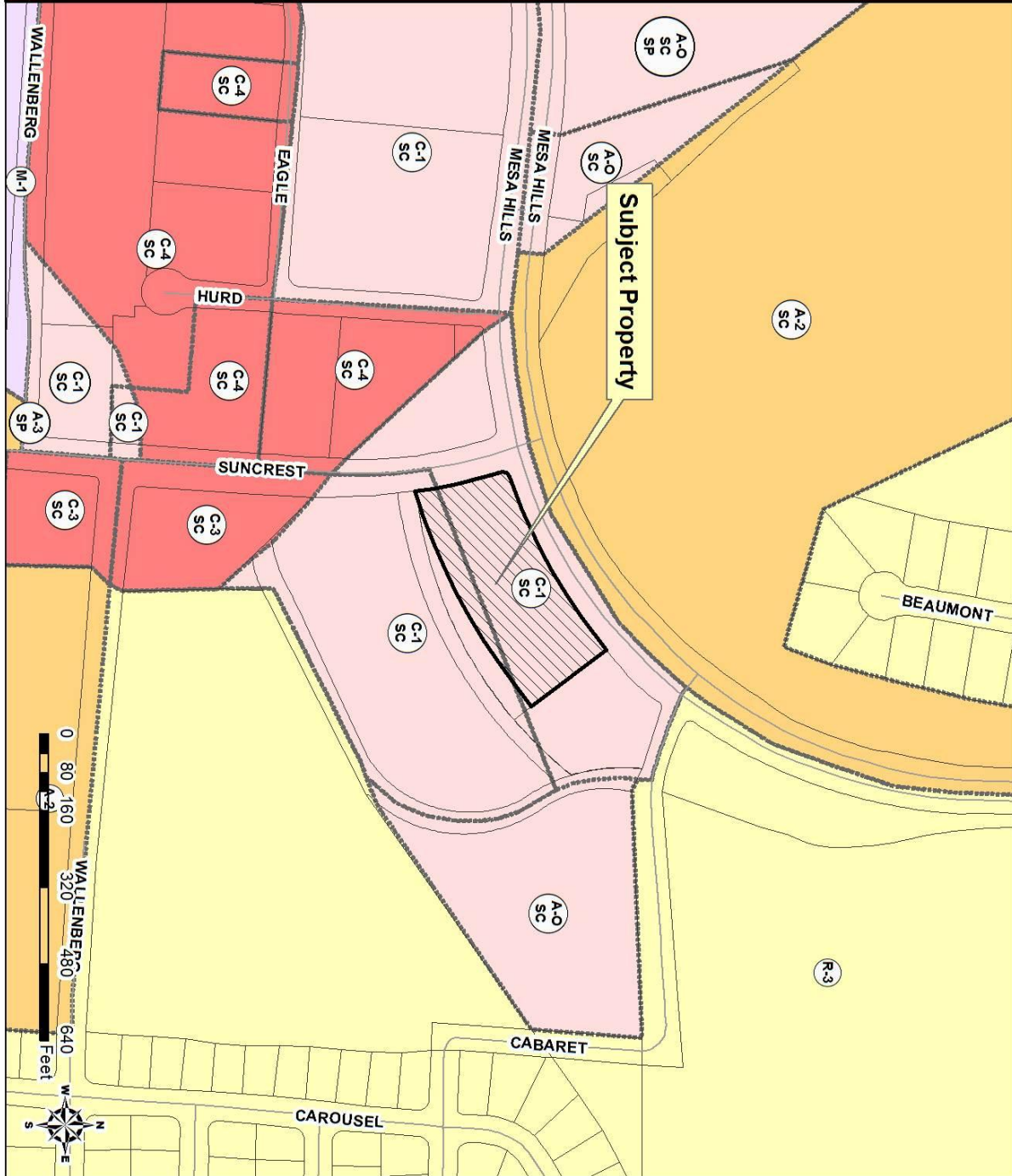
No objections.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 7718
5. Special Contract 82825 dated March 17, 1983
6. Special Contract 33164 dated September 25, 1985

ATTACHMENT 1: ZONING MAP

PZDS15-00025 & PZCR15-00006

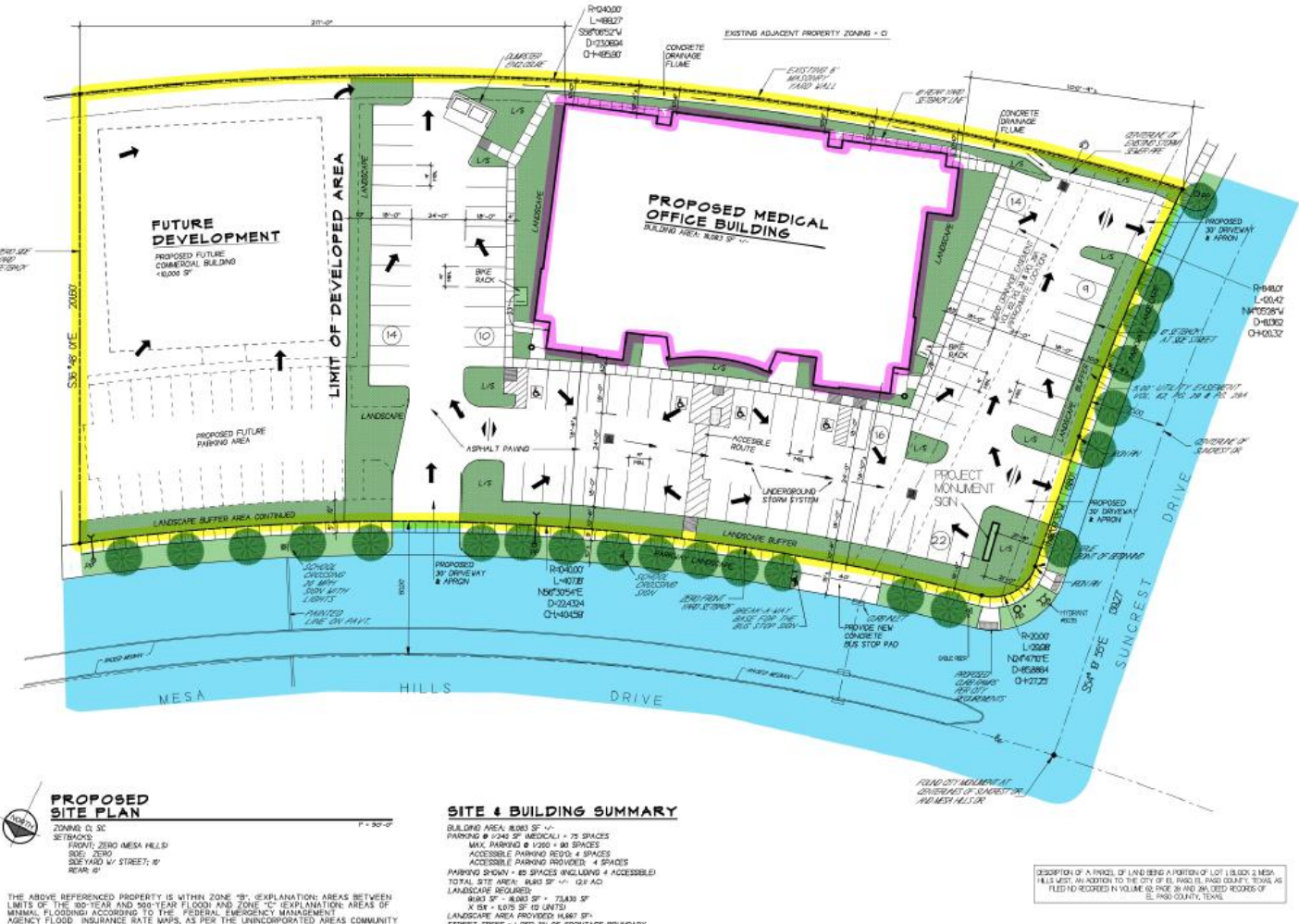


ATTACHMENT 2: AERIAL MAP

PZDS15-00025 & PZCR15-00006



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE NO. 7718

7718

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF TRACT 34A, A.F. MILLER
SURVEY #214 AND TRACT 4A, A.F. MILLER SURVEY
#215, THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Tract 34A, A.F. Miller
Survey #214 and Tract 4A, A.F. Miller Survey #215, as more
particularly described on the attached metes and bounds
descriptions, identified as Parcel 1, Parcel 2 and Parcel 3 and
made a part hereof by reference, be changed within the meaning of
the zoning ordinance and the zoning map of the City of El Paso be
revised accordingly, as follows:

Parcel 1 - 39.760 acres to A-2,
Parcel 2 - 12.584 acres to C-1,
Parcel 3 - 3.931 acres to A-O.

PASSED AND APPROVED THIS 29th day of MARCH, 1983.

Mayor

ATTEST:

W. R. Rogers
City Clerk

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 7718
by R. Gonzalez Date 4-4-83

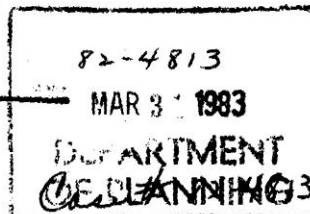
I CERTIFY THAT THE FOLLOWING ZONING MAP
APPROVED AS TO FORM: HAVE BEEN REVISED: L.D.

4-4-83 COUNTER
4-4-83 ORIGINAL
4-4-83 Bldg. Inspection
4-4-83 CONTROL
Hon. Sean
Assistant City Attorney

APPROVED AS CONTENT:

John M. R. ...
Planning, Research and
Development

Contract dated 3/17/83



ATTACHMENT 5: SPECIAL CONTRACT NO. 82825

82825

CONTRACT

THIS CONTRACT, made this 1st day of April, 1983, by and between DERRICK & SCHAEFER, INC., First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning portion of Tract 34A, A.F. Miller Survey #214 and Tract 4A, A.F. Miller Survey #215, City and County of El Paso, Texas which are more particularly described by metes and bounds as Parcels 1, 2 and 3 in the attached exhibits which are made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is respectively rezoned to A-2 (Apartment), C-1 (Commercial) and A-O (Apartment-Office) Districts within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits shall be issued for construction until a detailed site development plan has been approved by the Commission and City Council for the parcels for which the permits are being requested.
2. No building permits shall be issued for construction until a subdivision plat is approved and filed of record for the parcels for which the permits are being requested.
3. If Parcel 3 (A-O) is developed for offices, access to Cabaret Drive shall be prohibited.
4. The pedestrian path located in A.F. Miller Survey #215 (Tracts 4K1 and 4E) will be rerouted as shown on the map identified as Exhibit "A", attached hereto and made a part hereof by reference. Except for that portion of the path in the right-of-way of Mesa Hills Drive, which has already been improved with sidewalk or street paving, the path shall be 5 feet wide, have a subgrade to be compacted to 90% of maximum dry density, have a base of crushed stone 4 inches thick and be paved with 1½ inches of Hot Mix Asphaltic Concrete (H.M.A.C.). The drainage pipe, which comes under Quail Hollow Shopping Center and into Tract 215 - 4K1 from the northeast, shall be extended under the path so as to prevent said path from flooding during period of rain. A permanent six-foot high rock wall shall be constructed adjacent to the path and its common north/south boundary with Quail Hollow Shopping Center in Tract 4K1, A.F. Miller Survey #215. The improvements in this paragraph 4 shall be completed prior to the issuance of a grading permit for the construction of Mesa Hills Drive.
5. A permanent six-foot high chain link fence will be

1339-0463

installed as per Exhibit "A". To the extent that said permanent fence has not been installed prior to the issuance of a grading permit for the construction of Mesa Hills Drive, a temporary six-foot high chain link fence shall be substituted therefor and used during construction only. Said temporary fence shall be located in the south side of the right-of-way for Mesa Hills Drive, provided, however, that as an alternative it can be located on El Paso Independent School Property, if with their permission, as shown on Exhibit "A".

6. No building of any kind shall be permitted in the area described by metes and bounds in the attached Exhibit "B" which is made a part hereof by reference.
7. Before the City Council shall amend this contract, notice of such proposed change shall be mailed to the parent-teacher organization or association for Lyndon B. Johnson Elementary School and Morehead Intermediate School, in care of their respective school principals.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

ATTEST:

Secretary

ATTEST:

City Clerk

APPROVED AS TO CONTENT:

Planning, Research and Development

DERRICK & SHAEFER, INC.
First Party

By [Signature]
Title Executive Vice President

THE CITY OF EL PASO
Second Party

By [Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

2

1339-0464

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th day
of March, 1983, by Michael E. Ridley
representative for DERRICK & SHAEFER, INC..

Maury T. Zieg
Notary Public, State of Texas

My Commission Expires:

11-11-85

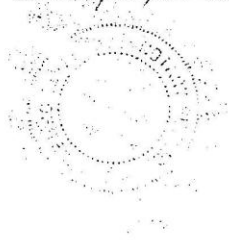
THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 20th day
of March, 1983, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

Maury T. Zieg
Notary Public, State of Texas

My Commission Expires:

11/12/85



82825 A 151- 700

FILED FOR RECORD
IN THE OFFICE

'83 APR 11 PM 2:43

COUNTY CLERK
EL PASO COUNTY, TEXAS
Berta Hernandez

STATE OF TEXAS COUNTY OF EL PASO
I hereby certify that this instrument was filed
on the date and time stamped hereon by me and
was duly recorded in the above and page of the
Official Public Records of Real Property, El Paso
County, Texas.

APR 11 1983



[Handwritten signature]

COUNTY CLERK, El Paso County, Texas

1339-0466

ATTACHMENT 6: SPECIAL CONTRACT 33164

33164

106-1500

85-8-35

CORRECTION CONTRACT

THIS CORRECTION CONTRACT, made this 25th day of September, 1985, by and between DERRICK & SCHAEFER INCORPORATED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning portion of Tract 34A, A.F. Miller Survey #214 and Tract 4A, A.F. Miller Survey #215, City and County of El Paso, Texas which are more particularly described by metes and bounds as Parcels 1, 2 and 3 in the attached exhibits which are made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is respectively rezoned to A-2 (Apartment), C-1 (Commercial) and A-0 (Apartment-Office) Districts within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits shall be issued for construction until a detailed site development plan has been approved by the Commission and City Council for the parcels for which the permits are being requested.

2. No building permits shall be issued for construction until a subdivision plat is approved and filed of record for the parcels for which the permits are being requested.

3. If Parcel 3 (A-0) is developed for offices, access to Cabaret Drive shall be prohibited.

4. The pedestrian path located in A.F. Miller Survey #215 (Tracts 4K1 and 4E) will be rerouted as shown on the map identified as Exhibit "A", attached hereto and made a part hereof by reference. Except for that portion of the path in the right-of-way of Mesa Hills Drive, which has already been improved with sidewalk or street paving, the path shall be 5 feet wide, have a subgrade to be compacted to 90% of maximum dry density, have a base of crushed stone 4 inches thick and be paved with 1 1/2 inches of Hot Mix Asphaltic Concrete (H.M.A.C.). The drainage pipe, which comes under Quail Hollow Shopping Center and into Tract 215 - 4K1 from the northeast, shall be extended under the path so as to prevent said path from flooding during period of rain. A permanent six-foot high rock wall shall be constructed adjacent to the path and its common north/south boundary with Quail Hollow Shopping Center in Tract 4K1, A.F. Miller Survey #215. The improvements in this paragraph 4 shall be completed prior to the issuance of a grading permit for the construction of Mesa Hills Drive.

1598-0787

5. A permanent six-foot high chain link fence will be installed as per Exhibit "A". To the extent that said permanent fence has not been installed prior to the issuance of a grading permit for the construction of Mesa Hills Drive, a temporary six-foot high chain link fence shall be substituted therefor and used during construction only. Said temporary fence shall be located in the south side of the right-of-way for Mesa Hills Drive, provided, however, that as an alternative it can be located on El Paso Independent School Property, if with their permission, as shown on Exhibit "A".

6. No building of any kind shall be permitted in the area described by metes and bounds in the attached Exhibit "B" as depicted on Exhibit "B(1)" which are made a part hereof by reference.

7. Before the City Council shall amend this contract, notice of such proposed change shall be mailed to the parent-teacher organization or association for Lyndon B. Johnson Elementary School and Morehead Intermediate School, in care of their respective school principals.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

This Correction Contract is executed and filed of record in the Deed Records of El Paso County, Texas, attaching Exhibits "A" and "B" which were erroneously not attached to that certain Contract dated March 17, 1983, between First Party and Second Party, recorded in Volume 1339, Page 463, County Clerk's Records, El Paso County, Texas, and to supplement the same by attaching Exhibit "B(1)" depicting the real property described on Exhibit "B".

1598-0788

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

ATTEST:

DERRICK & SCHAEFER INCORPORATED
First Party

- NONE REQUIRED -
Secretary

BY: Michael E. Ridley
Title: Exec. Vice President

ATTEST:

THE CITY OF EL PASO
Second Party

Carole Hunter
City Clerk

BY: John Bond
Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Bucky Valdez
Planning, Research and
Development

John Bond
Assistant City Attorney

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on Sept. 25
1985, by Michael E. Ridley, Ex. Vice President of
DERRICK & SCHAEFER INCORPORATED, a corporation, on behalf of
said corporation.

Gloria Gonzalez
(Signature)

GLORIA GONZALEZ
(Print Name)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My commission expires:

10/21/87

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on Sept 25
1985, by Jonathan Rogers, Mayor of THE CITY OF EL
PASO, on behalf of said city.

Gloria Gonzalez
(Signature)

GLORIA GONZALEZ
(Print Name)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My commission expires:

10/21/87

PROPERTY DESCRIPTION
8.441 Acres

Being a portion of Tract 34A in the A. F. Miller Survey No. 214 and Tract 4A in the A. F. Miller Survey No. 215 according to the map made for tax purposes and on file in the El Paso Central Appraisal District Office in the City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING for reference at the City Monument at the intersection of Mesa Street (U. S. Highway 80, 150 feet wide and Mesa Hills Drive (120 feet wide);

THENCE, South 46°08'54" West, a distance of 75.00 feet to the southwesterly right-of-way line of said Mesa Street;

THENCE, along said southwesterly right-of-way line of Mesa Street, South 43°51'06" East, a distance of 90.00 feet to the most northerly corner of Morehead School property;

THENCE, along the west line of said Morehead School property the following two courses:

South 46°08'54" West, a distance of 210.00 feet to the beginning of a curve to the left;

Along the arc of said curve (Delta Angle = 6°52'25", Radius = 1329.48 feet, Chord = South 42°42'42" West, 159.40 feet) a distance of 159.49 feet;

THENCE, leaving said west line of Morehead School property, North 43°53'43" West, a distance of 435.25 feet to the POINT OF BEGINNING for the herein described tract;

THENCE, South 10°01'02" West, a distance of 1015.91 feet;

THENCE, South 04°27'44" West, a distance of 398.54 feet;

THENCE, South 23°06'29" West, a distance of 210.85 feet;

THENCE, South 59°07'38" West, a distance of 205.18 feet;

THENCE, North 73°53'52" West, a distance of 237.73 feet;

THENCE, North 31°08'54" West, a distance of 850.00 feet;

THENCE, North 18°47'55" East, a distance of 65.32 feet;

THENCE, North 31°08'54" West, a distance of 260.09 feet;

THENCE, South 48°03'54" West, a distance of 461.71 feet;

THENCE, South 49°48'34" West, a distance of 579.55 feet;

THENCE, South 62°11'16" West, a distance of 572.84 feet to the east line of Crestmont Hills Addition Unit No. II;

THENCE, along the east line of Crestmont Hills Addition Unit No. II, and Crestmont Hills Addition Unit No. I, the following six courses:

North 07°17'37" East, a distance of 61.12 feet;

North 62°11'16" East, a distance of 532.28 feet;

North 49°48'34" East, a distance of 573.40 feet;

North 48°03'54" East, a distance of 475.60 feet;

North 17°07'06" West, a distance of 84.72 feet;

North 53°37'28" East, a distance of 20.17 feet to the most westerly corner of Crestmont Hills Unit IV;

THENCE, along the south and east lines of said Crestmont Hills Unit IV
the following four courses:

South 79°11'54" East, a distance of 5.79 feet;

South 31°08'54" East, a distance of 1171.27 feet;

South 73°53'52" East, a distance of 292.68 feet;

North 12°06'16" East, a distance of 1643.96 feet to the
northeast corner of said Crestmont Hills Unit IV;

THENCE, leaving said east line of Crestmont Hills Unit IV, South
43°53'43" East, a distance of 60.31 feet to the POINT OF BEGINNING and
containing 8.441 acres of land.

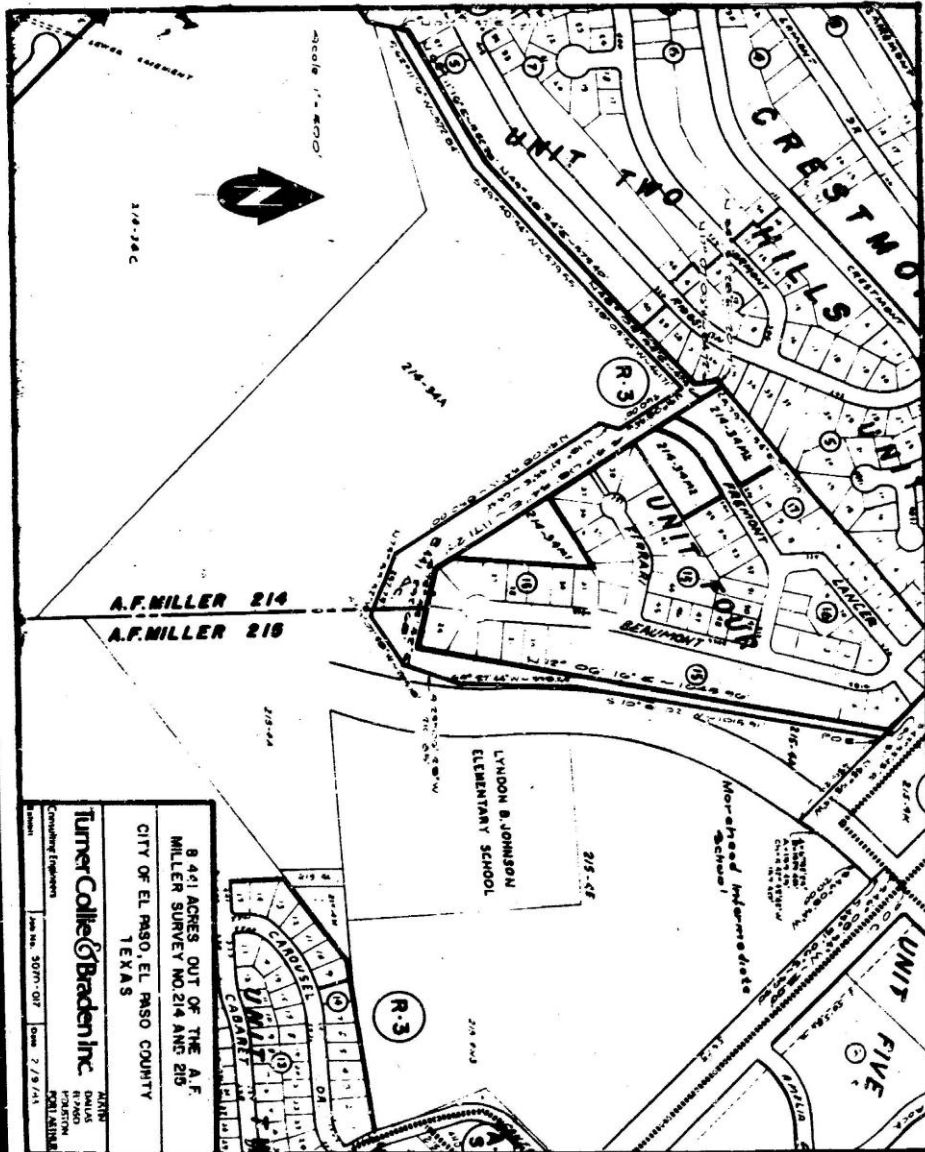
Prepared by:
TURNER, COLLIE & BRADEN INC.
El Paso, Texas
February 9, 1983
TC&B Job Number 5070-017

1598-0792

Page 2 of 2

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CONDITION OF THE ORIGINAL.....

EXHIBIT "B(1)"



1598-6793

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CONDITION OF THE ORIGINAL

After recording, please return to:

Mr. Chris Paul
Kemp, Smith, Duncan and Hammond
2000 MBank Plaza
El Paso, Texas 79901

33164

RECORD
CLERK

05 SEP 27 P4:43

Chris Paul
COUNTY CLERK
EL PASO, TEXAS

COUNTY OF EL PASO
STATE OF TEXAS
I hereby certify that this instrument was filed on this
date and in the volume and page of the Official Public
Records of El Paso County, Texas.
SEP 27 1985
RECORDED

[Signature]
COUNTY CLERK, El Paso County, Texas

1598-0794